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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,148	09/23/2003	Mark Trocki	CT/00-001.CIP.D4	2990
21140	7590	05/30/2008		
GREGORY L. BRADLEY			EXAMINER	
MEDRAD INC			MACNEILL, ELIZABETH	
ONE MEDRAD DRIVE				
INDIANOLA, PA 15051			ART UNIT	PAPER NUMBER
			3767	
			MAIL DATE	DELIVERY MODE
			05/30/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/669,148

**Applicant(s)**

TROCKI ET AL.

**Examiner**

ELIZABETH R. MACNEILL

**Art Unit**

3767

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 7-11 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-11 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 May 2008 has been entered.

### ***Claim Objections***

2. Claims 1-3, 7-11, 14 and 16 are objected to because of the following informalities: the limitation "regardless of the orientation of the syringe adapter..." should be clarified that it is without regards to the rotation of the adapter about its longitudinal axis. Obviously, the adapted cannot be mounted backwards or by its side, so some orientation is required. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoover et al (US 5,535,746).

Hoover teaches a syringe adapter (FIG 7) comprising:

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A rear mounting member (proximal end of 90) to connect to a syringe retaining mechanism of an injector (Fig 1), comprising an attachment member (66) and projections (26);

A front mounting member with capture member (distal end of 90, threads or snap-fit arrangement) to engage a corresponding mounting member (threads) associated with a syringe (36)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 7-11, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoover in view of Trull (US 5,947,929).

Hoover teaches a syringe adapter (FIG 7) comprising:

A rear mounting member (proximal end of 90) to connect to a syringe retaining mechanism of an injector (Fig 1), comprising an attachment member (66) and projections (26);

A front mounting member with capture member (distal end of 90, threads or snap-fit arrangement) to engage a corresponding mounting member (threads) associated with a syringe (36)

Hoover does not teach that the rear mounting member connects to the injector without regards to the orientation of the adapter or that the rear mounting member is made up of a plurality of tab members.

Trull teaches a removable, non-rotationally-oriented connection for use with a syringe-injector system comprising a plurality of resilient tab members (30) which are engaged by the injector (by an annular ridge, 46).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the tabs-ridge connection of Trull instead of the radial projection (26) of Hoover as an alternate connection means which is easy to use and may be readily substituted for one another.

7. Claims 1-3, 7-11, 14, and 16 are rejected under 35 U.S.C. 103(a) as being obvious over Hoover in view of Reilly (US 6,958,053).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR

1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Hoover teaches a syringe adapter (FIG 7) comprising:

A rear mounting member (proximal end of 90) to connect to a syringe retaining mechanism of an injector (Fig 1), comprising an attachment member (66) and projections (26);

A front mounting member with capture member (distal end of 90, threads or snap-fit arrangement) to engage a corresponding mounting member (threads) associated with a syringe (36)

Hoover does not teach that the rear mounting member connects to the injector without regards to the orientation of the adapter or that the rear mounting member is made up of a plurality of tab members.

Reilly teaches a removable, non-rotationally-oriented connection for use with a syringe-injector system comprising a plurality of resilient tab members (754) which are engaged by the an annular ridge of the syringe (630)

It would have been obvious to one ordinary skill in the art at the time the invention was made to reverse the tabs-ridge connection of Reilly for use instead of the radial projection (26) of Hoover as an alternate connection means which is easy to use and may be readily substituted for one another.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-3, 7-11 and 14-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH R. MACNEILL whose telephone number is (571)272-9970. The examiner can normally be reached on 9:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elizabeth R MacNeill/

Examiner, Art Unit 3767

/Kevin C. Simmons/

Supervisory Patent Examiner, Art Unit 3767